

# ILLINOIS POLLUTION CONTROL BOARD

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## MEETING MINUTES



**SEPTEMBER 5, 2002**  
**Chicago/Springfield Videoconference**  
**CHICAGO OFFICE – 100 W. Randolph Street**  
**Video Conference Room 11-512**  
**and**  
**SPRINGFIELD OFFICE – 600 South Second Street**  
**Video Conference Room 402**  
**11:00 A.M.**

### **ANNOUNCEMENTS**

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After calling the meeting to order, Chairman Manning informed the audience that Member Marovitz would be late and welcomed members of the public and staff to the meeting.

### **ROLL CALL**

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The Clerk of the Board called the roll and all Board Members answered present, except for Member Marovitz who arrived at 11:20 a.m.

### **APPROVAL OF MINUTES**

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Minutes of the August 22, 2002 meeting were approved by a vote of 6-0.

### **RULEMAKINGS**

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<b>R02-19</b>	<u>In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122</u> – The Board adopted a second notice opinion and order in this matter to amend the Board’s water regulations.	6-0 R, Water
<b>R03-4</b>	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2002 through June 30, 2002; LTIESWTR)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations.	7-0 R, PWS

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## ADMINISTRATIVE CITATIONS

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AC 02-17	<u>IEPA v. Charles Goodwin</u> – No action taken.	
AC 02-43	<u>IEPA v. James Potter</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Edgar County facility.	7-0
AC 02-58	<u>IEPA v. RCS, Inc. and Robert Fosnock</u> – The Board granted complainant's motion for reconsideration and vacated its August 8, 2002 order in this matter. The Board found that these Jersey County respondents violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5) and (o)(12) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and ordered respondents to pay a civil penalty of \$1,000. Respondents paid this penalty on June 26, 2002. Accordingly, no further payment is required.	7-0
AC 03-1	<u>IEPA v. Tony Luttrell</u> – The Board found that this Clay County respondent violated Section 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and ordered respondent to pay a civil penalty of \$3,000.	7-0
AC 03-2	<u>IEPA v. Ed Heitz</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a McLean County facility.	7-0
AC 03-9	<u>IEPA v. Robert Peters</u> – The Board accepted an administrative citation against this Adams County respondent.	

## ADJUDICATORY CASES

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### Decisions

PCB 97-20	<u>People of the State of Illinois v. Bentronics Corporation</u> – Having previously found that respondent violated Section 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d) and (f) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 307.1101(a)(1), 307.2301(c)(1) and (2) of the Board’s water pollution regulations, the Board ordered the respondent to pay a total civil penalty of \$110,000 and to cease and desist from further violation of the Act. Complainant must file an affidavit in support of their request for fees by September 19, 2002,	6-1 Marovitz dissented W-E
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and respondents may file a response to the affidavit by October 3, 2002.

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<b>PCB 99-193</b>	<u>People of the State of Illinois v. The Purdy Company, and Indiana Harbor Belt Railroad</u> – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	7-0 L-E
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<b>PCB 02-201</b>	<u>Gere Properties, Inc. v. Jackson County Board and Southern Illinois Regional Landfill, Inc.</u> – The Board affirmed the April 10, 2002 decision of the Jackson County Board that granted Southern Illinois Regional Landfill, Inc.’s application to site a pollution control facility.	7-0 P-C-F-S-R Third Party
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### Provisional Variances

<b>PCB 03-27</b>	<u>Dynergy Midwest Generation (Baldwin Power Station) v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this St. Clair and Randolph Counties facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.141(b) and its National Pollutant Discharge Elimination System permit number IL0000043.	7-0 W-V
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### Motions and Other Matters

*Additional motions on the following cases filed prior to this meeting may be included here.*

<b>PCB 97-66</b>	<u>People of the State of Illinois v. D’Angelo Enterprises, Inc.</u> – No action taken.	RCRA-E
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<b>PCB 97-193</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – No action taken.	L-E
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<b>PCB 98-80</b>	<u>People of the State of Illinois v. Craig Linton and Randy Rowe</u> –	L-E
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	No action taken.	Tires
<b>PCB 00-219</b>	<u>Stephen G. Brill v. Henry Latoria d/b/a T.L. Trucking Foodliner</u> – The Board denied respondent’s motion for reconsideration of its June 6, 2002 interim order.	7-0 Citizens A&N-E
<b>PCB 01-39</b>	<u>Lannis Walters d/b/a Fat Boy Pizza (Get &amp; Go) v. IEPA</u> – The Board ordered petitioner to contact the hearing officer in this matter on or before September 30, 2002, and reserved ruling on respondent’s motion to dismiss.	7-0 UST Fund
<b>PCB 01-67</b>	<u>Jasper County Highway Department v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Jasper County facility.	7-0 UST Fund
<b>PCB 01-135</b>	<u>People of the State of Illinois v. Patrick Robert Land Trust</u> – No action taken.	L-E
<b>PCB 02-24</b>	<u>St. Joseph Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Champaign County facility.	7-0 UST Fund
<b>PCB 02-187</b>	<u>UOP L.L.C. v. IEPA</u> – No action taken.	P-A, Air
<b>PCB 02-189</b>	<u>Wareco Service, Inc. v. IEPA</u> – No action taken.	UST Fund
<b>PCB 02-197</b>	<u>Nicor Gas v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this McClean County facility.	7-0 P-A
<b>PCB 02-203</b>	<u>Gallagher Asphalt v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST Fund
<b>PCB 02-209</b>	<u>E.P.M.A. Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no	7-0

underground storage tank appeal was filed on behalf of this Cook County facility. UST Fund

<b>PCB 03-18</b>	<u>Whole Sale Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	7-0 UST Appeal 90-Day Ext.
<b>PCB 03-19</b>	<u>Shearon, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.	7-0 UST Fund 90-Day Ext.
<b>PCB 03-20</b>	<u>People of the State of Illinois v. Acme Refining Scrap Iron and Metal Company</u> – The Board accepted for hearing this water enforcement action involving a Lake County facility.	7-0 W-E
<b>PCB 03-21</b>	<u>Clean The Uniform Company - Highland v. Aramark Uniform &amp; Career Apparel, Inc.</u> – The Board held for a later duplicative/frivolous determination this citizen’s land and water enforcement action involving a Madison County facility.	Citizens L&W-E
<b>PCB 03-22</b>	<u>People of the State of Illinois v. Saint-Gobain Containers, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Logan County facility.	7-0 A-E
<b>PCB 03-23</b>	<u>People of the State of Illinois v. City of Des Plaines and McDonough Associates, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E

**CASES PENDING DECISION**

<b>PCB 00-163</b>	<u>David and Jacquelyn McDonough v. Gary Robke</u>	Citizens N-E
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**OTHER ITEMS**

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The 2003 Board Calendar will be discussed at the September 19, 2002 Board meeting.

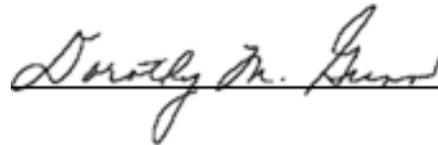
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**ADJOURNMENT**

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Moved and seconded, by a vote of 7-0, Chairman Manning adjourned the meeting at 11:45 a.m.

I, Dorothy M. Gunn, Clerk, of the Illinois Pollution Control Board, certify that the Board approved the above minutes on September 19, 2002 by a vote of.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", is written over a horizontal line.

Dorothy M. Gunn, Clerk